

Adopted Amendments
Official Code of Cobb County
Chapters 62 and 134
Public Hearing Date
June 24, 2008
Dirty Copy

Cobb County Community Development
191 Lawrence Street
Marietta, GA 30060
www.cobbcounty.org

Sec. 62-33. Rules and regulations adopted.

The county hereby adopts the following rules and regulations that have been adopted by the county board of health:

- (1) Rules and regulations for on-site sewage management systems, adopted by the board of health ~~August 21, 2003~~ February 21, 2008.
- (2) An ordinance concerning nuisances, adopted by the board of health April 1, 1948.
- (3) Regulations concerning trailer parks, adopted by the board of health June 17, 1999.
- (4) Food service rules and regulations, adopted by the board of health ~~June 19, 2003~~ February 21, 2008.
- (5) Rules and regulations for swimming pools, adopted by the board of health ~~February 9, 1995~~ February 21, 2008.
- (6) Rules and regulations for tourist courts, adopted by the board of health June 18, 1998.

These ordinances and regulations are on file with the clerk of the county and may be reviewed during normal business hours. Any amendment to these ordinances and regulations shall not be effective for enforcement as a county ordinance until the amendments are approved and adopted by the county board of commissioners and such amendments are placed on file with the clerk of the county.

(Ord. of 8-22-95; Ord. of 12-9-03; Ord. of 7-27-04)

Sec. 134-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or structure means a building.....

Continuing Care Retirement Community means a community designed for and occupied by those persons age 55 and older as defined by the Fair Housing Act as may be amended from time to time and those persons with disabilities as defined by the Americans With Disabilities Act as may be amended from time to time that provide a range of housing and lifestyle needs, including independent living, assisted living, and skilled nursing care in an integrated system. CCRC residents are provided housing, services, healthful activities and care through the continuing care contract. The contract sets forth the accommodations, services, amenities and care the facility is to provide, and the financial obligations of the residents. The contract must allow for movement between the lifestyle choices (levels of support) as the individual resident's needs evolve (providing the resident meets contract obligations).

Convenience food store with self-service fuel sales means any

Sec. 134-202.1 Continuing Care Retirement Community District.

The regulations for the Continuing Care Retirement Community (CCRC) are as follows:

(1) Purpose and intent. The CCRC district is established to provide multi stage living and care for senior citizens, including facilities for recreation, exercise, and outside living. Common interior areas in supported facilities will provide social spaces, indoor recreation / wellness facilities, and food service / dining support. The exterior of the development will provide an orderly and tranquil setting. Uses that would encourage busy traffic and commerce from the general public are excluded. This use intends that residents will be long term, except for moves within the multi stage care facility. The transition from the project to neighboring open land and residences must be carefully buffered and must have adequate building setbacks to protect the quiet enjoyment of adjoining and nearby property. The height of facilities must consider the surrounding built, and zoned but not yet built properties. Generally, higher buildings should be separated by distance, buffering, and other structures from neighboring uses. Higher facilities shall be in the center of the project and buildings with height similar to the neighbors shall separate taller structures from neighbors on the project perimeter. More intense project designs are acceptable in RACs, CACs, HDR, and Industrial Compatible areas, as defined in section 4 a. The board of commissioners has determined that any project approved as a CCRC shall not establish any type of precedent for land use recommendations or future rezoning proposals outside of the boundaries of the CCRC project. Those properties outside of the boundaries of a CCRC project must provide uses compatible with other surrounding properties that are outside of the CCRC.

(2) Definitions.

a. Continuing Care Retirement Community means a community, each unit of which is designed for and occupied by those persons age 55 and older as defined by the Fair Housing Act as may be amended from time to time and those persons with disabilities as defined by the Americans With Disabilities Act as may be amended from time to time that provides a range of housing and lifestyle needs, including independent living, assisted living, and skilled nursing care in an integrated system.

b. CCRC residents are provided housing, services, and care through the provisions of a continuing care contract. The contract sets forth the accommodations, services, amenities and care the facility is to provide, and the financial obligations of the residents. The contract must allow for movement between the lifestyle choices (levels of support) as the individual resident's needs evolve (provided the resident meets contract obligations).

c. Continuing Care Retirement Communities provide supportive and non-supportive facilities that may include detached and attached dwelling units (single and multi story).

d. CCRCs must provide independent living, assisted living, and skilled care nursing.

e. CCRC's must have facilities dedicated to the wellness of the residents such as:

1. Indoor Wellness Amenities including:

Game Rooms for table games and socializing

Billiard Rooms

Dance Hall / Dining & Event Hall

WII Lounge - various video entertainments and lectures

Computer Room - also Classroom

Exercise / Weight lifting rooms

Lapping Pool for exercise, water games and aqua-therapy

Spas and/or Hot Tubs for aqua-therapy

Hobby Shops - Crafts, woodworking, modeling, art, etc.

2. Open Air Facilities - protected by roof

Bocce Courts - clay style

Shuffleboard Courts

3. Outdoor Wellness Amenities including:

Lawn Sports

Golf course

Bocce Courts - grass style *

Lawn Bowls*

Croquet Courts*

Horseshoes

Badminton Courts

Volleyball Courts

* Bocce, Lawn Bowls and Croquet can all be played on the same well-groomed, flat grass lawn. Artificial turf can also be used.

f. CCRCs may also include accessory uses within the community that provide services primarily to the residents and employees to enhance the convenience of residents who prefer to remain on site.

(3). Permitted uses:

a. Anything not permitted or allowed by special exception is prohibited.

b. The permitted accessory retail uses and related functions must be sized in relation to the size and resident population of the CCRC living spaces. That means that, while they may sell to employees and occasional visitors, the accessory uses will not be sized or located in a fashion to encourage general public product sales

or service as a primary use. Any commercial use will be interior to the primary buildings and not a separate building. There will be no commercial appearances of the accessory retail uses visible from outside the project.

c. Permitted accessory uses include:

administrative offices for any accessory use
ambulance and medical transport services
athletic and health clubs
bakery
banks and financial institutions
beauty and barber shops
beverage shop
bookstore
butcher shop
camera shop
chapels and other places of worship
clinics
clothing shop
community and cultural meetings
dance studio
delicatessen
dry goods shop
eating and drinking places
film developing and printing
florists
garden plots
gifts and stationary shop
golf cart parking, sales and service
grocery items
hospice care
jewelry shop
laundry and dry cleaning pickup
medical and dental laboratories (provided that no chemicals are manufactured on-site)
pet care/short term boarding (no outside runs)
pharmacies
professional offices
recreation grounds
rehabilitative services
self-service laundry
storage for residents personal items

(4). Lot size and setback requirements:

a. Requirements applicable to CCRCs within RAC, CAC, HDR, and Industrial Compatible areas as shown on the Future Land Use Plan:

1. Minimum lot size of 10 acres. Smaller lot sizes may be considered when the applicant can demonstrate that there will be no significant negative impact to adjacent residential properties or no adverse precedent established because of a combination of existing circumstances/factors including but not limited to:

- Property is located in an area identified by Cobb County for redevelopment initiatives.
- Project utilizes structured or underground parking, which could reduce the required acreage needed to accommodate surface parking.
- Access considerations, including number of lanes.
- Building height is increased which lowers impervious surface and floor area ratio to a level similar to what could be established on a larger tract of land.
- Project proposes units that are specially designed for "workforce" housing. For the purpose of this section, "workforce" housing shall mean units intended for occupancy by households earning no more than 80% of the Atlanta Metropolitan Statistical Area's (MSA) median household income, as may be adjusted from time to time.

2. Minimum building setback shall be 50 feet when adjacent to property shown as residential on the Future Land Use Map, otherwise the setback will be the same as required for the immediately adjoining property.

3. Maximum building height will be 4 stories (CAC, HDR and IC), unless it can be demonstrated (due to topography, etc) that a greater height does not impact the view shed of the adjacent residential property.

4. Maximum building height will be 5 stories (RAC), unless it can be demonstrated (due to topography, etc) that a greater height does not impact the view shed of the adjacent residential property.

5. Building height may be determined by the Board of Commissioners on a case-by-case basis, taking into consideration the view sheds, setbacks, and height of buildings on nearby property.

6. When building height is increased, maximum impervious surface should be less than 70% maximum required in use limitations.

7. Project must have building orientation and land use transitions that provide for the least intense uses to be adjacent to adjoining properties with more restricted zoning districts.

b. Requirements applicable to CCRCs within NAC, MDR, P/I, LDR and VLDR (not permitted in RR) areas as shown on the Future Land Use Plan:

1. Minimum lot size of 20 acres. Smaller lot sizes may be considered when the applicant can demonstrate that there will be no significant negative impact to adjacent residential properties or no adverse precedent established because of a combination of existing circumstances/factors including but not limited to:

- Property is located in an area identified by Cobb County for redevelopment initiatives.
- Project utilizes structured or underground parking, which could reduce the required acreage needed to accommodate surface parking.
- Access considerations, including number of lanes.
- Building height is increased which lowers impervious surface and floor area ratio to a level similar to what could be established on a larger tract of land. When building height is increased, maximum impervious surface should be less than 70% maximum required in use limitations.
- Project proposes units that are specially designed for "workforce" housing. For the purpose of this section, "workforce" housing shall mean units intended for occupancy by households earning no more than 80% of the Atlanta Metropolitan Statistical Area's (MSA) median household income, as may be adjusted from time to time.

2. Minimum setback 50 feet when adjacent to property shown as residential on the Future Land Use Map, otherwise the setback will be the same as required for the immediately adjoining property.

3. Maximum height of buildings will be 2 stories, unless it can be demonstrated (due to topography, etc) that a greater height does not impact the view shed of the adjacent residential property.

4. Building height of up to 4 stories may be determined by the Board of Commissioners on a case-by-case basis, taking into consideration the view sheds, setbacks, and height of buildings on nearby property.

5. When building height is increased, maximum impervious surface should be less than 70% maximum required in use limitations.

6. Project must have building orientation and land use transitions that provide for the least intense uses to be adjacent to adjoining properties with more restricted zoning districts.

7. When any building is within 100 feet of the perimeter of the project and is contiguous to less dense residentially zoned property, that building will consist of single family, duplex, triplex or quadraplex units not exceeding one and one half stories in height.

(5) Community open space, landscape buffer and screening requirements:

a. The overall community open space and landscape plan shall be approved by the Board of Commissioners in accordance with county guidelines contained in Cobb County Development Standards, including a minimum of the project acreage designated for usable community trails, recreation, outdoor wellness amenities and open space as follows (The minimum acreages designated below are in addition to any acreage associated with required perimeter buffers):

1. For CCRCs in RAC, HDR, CAC, and Industrial Compatible areas as shown on the Future Land Use Plan, a minimum of one acre or 10% of the project, whichever is larger.

2. For CCRCs within NAC, MDR, P/I, LDR and VLDR (not permitted in RR) areas as shown on the Future Land Use Plan, a minimum of two acres or 10% of the project whichever is larger.

b. The landscape plan must provide minimum natural maintained buffers or landscaped buffers (or a combination of the two) of a depth equal to half of the building line setback on all exterior boundaries. These buffers may not contain a roadway or other structures other than perpendicular crossings by required road or utility entrances to the site.

(6) Sidewalk and pedestrian amenities. All sidewalks and curb ramps along public roadways and any major internal private roadways must be ADA compliant. Sidewalks should generally be wide enough to accommodate passing wheelchairs. Street side sidewalks must run along any public road frontage, and the internal sidewalk system must connect to any network of sidewalks or trails that lead to public facilities beyond, to encourage interaction between residents of the CCRC and surrounding communities.. Any joint use path (ie-golf cart and pedestrian) must be at least 10 feet wide.

(7). Flood plain / wetlands preservation requirements. Any development must meet all state and federal requirements relating to floodplains and wetlands. The board of commissioners encourages preservation of wetland areas. Any development must also meet state and federal requirements relating to areas subject to the provisions of section 134-283, regarding mountain and river corridor protection act areas, and section 134-284, regarding metropolitan river protection act areas.

(8). Building and structure requirements:

a. The minimum size of the independent living units will be 400 square feet of conditioned space including bath, closet, food preparation and toilet facilities.

b. The minimum size of the assisted living units will be 330 square feet of conditioned space including bath, closet, food preparation and toilet facilities.

c. The minimum size of the skilled care units will be as required by State of Georgia regulation including closet and toilet facilities.

d. Dual occupancy units shall be at least 130 percent of the minimum size.

e. Architectural style will be approved by the Board of Commissioners in accordance with county guidelines contained in Cobb County Development Standards, and in keeping with the surrounding property.

f. No signage associated with any permitted accessory retail use may be visible from outside of the project or visible from any public roadway adjacent to the project.

(9). Parking requirements:

a. Parking areas will be sized for use of the residents, employees, and reasonable visitors. Parking will not be sized to accommodate general public commercial or retail use.

b. Each Independent living unit must have at least one attached garage parking space, or a 20 foot long off street space.

c. Each assisted living and each nursing care unit must have at least five tenths (0.5) of a parking space.

d. See section 134-272 for paved parking specifications.

(10). Lighting requirements. Any project permitted within the CCRC district which proposes any outdoor lighting, except individual residential lots, must have a county department of transportation approved lighting plan in accordance with the minimum conditions listed in section 134-269.

(11). Special exception uses. N/A

(12). Use limitations:

a. All CCRCs will be subject to site plans approved by the Board of Commissioners. The board of commissioners has determined that any project approved as a CCRC shall not establish any type of precedent for land use recommendations or future rezoning proposals outside of the boundaries of the CCRC project. Those properties outside of the boundaries of a CCRC project must provide uses compatible with other surrounding properties that are outside of the CCRC.

b. CCRCs must provide independent living, assisted living and skilled nursing care services (all three) on the site. All three services must be operational within 3 years of date that initial Certificate of Occupancy is issued. The contract must allow for movement between the lifestyle choices (levels of support) as the individual resident's situation evolves (providing that the resident meets contract obligations).

c. Proposal must obtain a valid Certificate of Need from the State of Georgia.

d. Proposal must obtain a valid Certificate of Authority from the Georgia Insurance Commissioner.

e. Required Certificate of Need and Certificate of Authority from the State of Georgia must be current when final certificates of occupancy are issued.

f. Project must incorporate applicable accessibility and "easy living" standards (as administered and copyrighted by a coalition of Georgia citizens including AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia).

g. The CCRC application shall include documentation of road access to nearby medical centers with emergency services.

1. Good access to acute emergency care will be encouraged.

2. The CCRC must be within 5 miles of an acute medical care center, unless the facility provides its own emergency response to all residents.
- h. Signage for any CCRC project must be ground based monument type. No electronic signs are to be constructed within the CCRC district.
- i. The project must include a legal instrument, containing the following minimum provisions:
 1. Restrictions on units being occupied by persons age 55 and older as defined by the Fair Housing Act as may be amended from time to time and those persons with disabilities as defined by the Americans With Disabilities Act as may be amended from time to time
 2. Responsibility for maintenance of infrastructure, common areas, buffers and recreation areas.
 3. Responsibility for insurance and taxes.
 4. Compulsory inclusion of all residents.
 5. Automatic extension of covenants to any accessory business operator or other contractual building occupant.
 6. Restriction of time of commercial deliveries and dumpster pickup (not earlier than 8 a.m. and not later than 8 p.m.).
 7. The project must provide operational declarations that include monthly services provided to residents in relation to monthly fees, including, but not limited to, specific details of wellness, dietary and educational programs.
- j. Overall site plan must meet applicable fire and life safety requirements as approved by the Cobb County Fire Marshal.
- k. Maximum impervious surface shall be 70 percent, unless building heights have been increased or development is proposed on slopes greater than 25 percent. Applicants should demonstrate a decrease in impervious surface when building heights are increased or when proposing development on slopes greater than 25 percent.
- (13). Accessory buildings. As shown on the site plan approved by the Board of Commissioners.

